

FORM PTO-1390 (Modified)  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

SWA-003-US *#3*U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR  
09/830,477INTERNATIONAL APPLICATION NO.  
PCT/CA99/01012INTERNATIONAL FILING DATE  
29 OCTOBER 1999PRIORITY DATE CLAIMED  
30 OCTOBER 1998

## TITLE OF INVENTION

DNS RELAY MODULE IN A DIGITAL NETWORK MODEM

## APPLICANT(S) FOR DO/EO/US

MOINEAU, Gilbert, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4.  The US has been elected by the expiration of 19 months from the priority date (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 20 below concern document(s) or information included:

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A **FIRST** preliminary amendment.
16.  A **SECOND** or **SUBSEQUENT** preliminary amendment.
17.  A substitute specification.
18.  A change of power of attorney and/or address letter.
19.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20.  A second copy of the published international application under 35 U.S.C. 154(d)(4).
21.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22.  Certificate of Mailing by Express Mail
23.  Other items or information:

**Petition Under 37 CFR 1.47(a)****Copy of Notification of Missing Requirements****Declaration of Wilburn L. Chesson****Request for Extension of Time (3 month)****Declaration of Isabelle Chabot****w/Attachments A, B, C, and D**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR  
09/830,477INTERNATIONAL APPLICATION NO.  
PCT/CA99/01012ATTORNEY'S DOCKET NUMBER  
SWA-003-US

24. The following fees are submitted:

**BASIC NATIONAL FEE<sup>3</sup> ( 37 CFR 1.492 (a) (1) - (5) ) :**

- |  |           |
|--|-----------|
| <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... | \$1040.00 |
| <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....  | \$890.00  |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....  | \$740.00  |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....   | \$710.00  |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....   | \$100.00  |

**CALCULATIONS PTO USE ONLY****ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than       20       30      months from the earliest claimed priority date (37 CFR 1.492 (e)).

\$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =	0	x \$18.00	\$0.00
Independent claims	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	\$0.00

**TOTAL OF ABOVE CALCULATIONS =**

\$0.00

 Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

\$0.00

**SUBTOTAL =**

\$0.00

Processing fee of \$130.00 for furnishing the English translation later than       20       30      months from the earliest claimed priority date (37 CFR 1.492 (f)).

\$0.00

**TOTAL NATIONAL FEE =**

\$0.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

\$0.00

**TOTAL FEES ENCLOSED =**

\$0.00

<b>Amount to be:</b>	\$
<b>refunded</b>	
<b>charged</b>	\$

- a.  A check in the amount of \$590.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 50-1442 in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1442. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Supervisor, Patent Prosecution Services  
 PIPER MARBURY RUDNICK & WOLFE, LLP  
 1200 Nineteenth Street, NW  
 Washington, DC 20036-2412  
 US



SIGNATURE

CHESSER, Wilburn L.

NAME

41,668

REGISTRATION NUMBER

23 OCTOBER 2001

DATE



UNITED STATES PATENT AND TRADEMARK OFFICE

PIPER MARBURY  
RUDNICK & WOLFE LLP

MAY 29, 2001

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

JF2

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/830477		MOINEAU	G SWA-003 US
		INTERNATIONAL APPLICATION NO.	
SUPERVISOR PATENT PROSECUTION SERVICES PIPER MARBURY RUDNICK & WOLFE 1200 NINETEENTH STREET N W WASHINGTON, DC 20036 2412		PCT/CA99/01012	
		I.A. FILING DATE	PRIORITY DATE
		29 OCT 99	30 OCT 98

DATE MAILED: 23 MAY 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Declaration Due 7/23/2001

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):
  - U.S. Basic National Fee.  Indication of Small Entity Status.
  - Copy of the international application.  Translation of the international application into English.
  - Oath or Declaration of inventors(s).  Translation of Article 19 amendments into English.
  - Copy of Article 19 amendments.  Other:
  - Priority Document.
  - The International Preliminary Examination Report in English and its Annexes, if any.
  - Translation of Annexes to the International Preliminary Examination Report into English.
2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
  - U.S. Basic National Fee.  Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - b. The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - d. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - e. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:  PCT/DO/EO/917  Notice of Defective Translation  
 PTO-875  PCT/DO/EO/920

Vonda M. Wallace

Telephone: 703-305-3736

PTO/PCT Rec'd 23 OCT 2001  
**PIPER MARBURY RUDNICK & WOLFE LLP**  
1200 NINETEENTH STREET, NW  
WASHINGTON, DC 20036-2412  
TELEPHONE: 202-861-3900  
FACSIMILE: 202-223-2085

DOCKET NO.: SWA-003-US

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

ATTN: PCT LEGAL AFFAIRS OFFICE

In Re Application Of: MOINEAU, Gilbert, et al.  
International Application No.: PCT/CA99/01012  
U.S. Application No.: 09/830,477  
International Filing Date: 29 October 1999  
For: DNS RELAY MODULE IN A DIGITAL NETWORK MODEM

SIR:

Attached hereto for filing are the following papers:

Petition Under 37 CFR 1.47(a)  
Declaration of Wilburn L. Chessier Under 37 CFR 1.47(a) (executed)  
Declaration of Isabelle Chabot Under 37 CFR 1.47(a) (executed)  
w/Attachments A, B, C, and D  
Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)  
Concerning a Filing Under 35 U.S.C. 371 (Form PTO-1390)  
Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the  
United States Designated/Elected Office (DO/EO/US)  
Request for Extension of Time (3 month)  
Declaration and Power of Attorney for Patent Application (3 pages, executed)

Our check in the amount of \$590.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-1442. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

**PIPER MARBURY RUDNICK & WOLFE LLP**



Steven B. Kelber (30,073)  
Wilburn L. Chessier (41,668)  
Agents for Applicant